

ORIGINAL

United States District Court

for the

DISTRICT OF HAWAIIFILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAIIAPR 18 2007
at 8 o'clock and 00 min. by M
SUE BEITIA, CLERKU.S.A. vs. KALANI OSHAY RABANAL Docket No. CR 00-00286DAE-02**AMENDED REQUEST FOR COURSE OF ACTION
(Statement of Alleged Violations of Supervised Release)**

COMES NOW MARK T. NUGENT, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of KALANI OSHAY RABANAL, who was placed on supervision by the Honorable David Alan Ezra, sitting in the Court at Honolulu, Hawaii, on the 25th day of June 2001, who fixed the period of supervision at 5 years and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

1. That the defendant is prohibited from possessing any illegal or dangerous weapons.
2. That the defendant shall participate in a substance abuse program, which must include drug testing for the first year and at the discretion and direction of the Probation Office for the remaining period of his supervised release.
3. That the defendant shall submit his or her person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

On 3/2/2006, the Court granted modifications of the conditions of supervised release as follows:

General Condition:

That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than eight valid drug tests per month during the term of supervised release (mandatory condition).

Special Conditions:

4. That the defendant shall participate and comply with substance abuse treatment which includes drug and alcohol testing, at the discretion and direction of the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
5. That the defendant shall not associate with any known felons, including but not limited to Clyde Soto, Reynold Borges, Cain Chun, and Randal Char. The defendant is to immediately notify the Probation Officer of any unauthorized contact with these individuals. The defendant shall not frequent places where any of these individuals are known to frequent as determined by the Probation Office.
6. That the defendant shall submit monthly telephone and/or cellular telephone records as instructed by the Probation Officer, and immediately provide any new telephone or cellular telephone number(s) to the Probation Officer.
7. That the defendant serve 4 months of home detention with electronic monitoring as arranged by the Probation Office. During this time, the defendant shall remain at his place of residence during nonworking hours and shall not leave his residence without the approval of the Probation Office. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures pursuant to the Participant's Agreement and shall earn leave as determined by the Probation Office. The defendant also will be responsible for the payment of the electronic monitoring costs as directed by the Probation Office.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:Alleged Violation(s) of Supervised Release

That the petition for Request for Course of Action dated 3/20/2007 and filed on 3/23/2007 include the following additional violation(s):

5. That on or about 3/31/2007, the subject mailed correspondence to felon Reynoldlyn Botelho, in violation of Standard Condition No. 9.

Based on the above, the U.S. Probation Officer recommends that the Request for Course of Action dated 3/20/2007 and filed on 3/23/2007 be amended to include the additional violation(s).

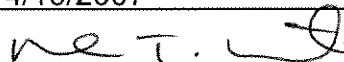
PRAYING THAT THE COURT WILL ORDER ONE OF THE FOLLOWING COURSES OF ACTION:

☒ [X] That the Request for Course of Action dated 3/20/2007 and filed on 3/23/2007 be amended to include the additional violation(s), and that the subject is brought before the Court on a Penal Summons to show cause why supervision should not be revoked.

☐ [] Other

I declare under penalty of perjury that the foregoing is true and correct

Executed on 4/16/2007



MARK T. NUGENT
U.S. Probation Officer

Approved by:

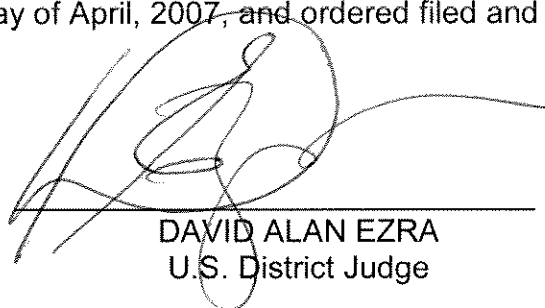


PETER D. YOSHIHARA
Supervising U.S. Probation Officer

ORDER OF COURT

THE COURT ORDERS that the Request for Course of Action dated 3/20/2007 and filed on 3/23/2007 be amended to include the additional violation(s), and that the subject is brought before the Court on a Penal Summons to show cause why supervision should not be revoked.

Considered and ordered this 16th day of April, 2007, and ordered filed and made a part of the records in the above case.



DAVID ALAN EZRA
U.S. District Judge

Re: **RABANAL, Kalani Oshay**
Criminal No. CR 00-00286DAE-02
REVOCATION OF SUPERVISED RELEASE

STATEMENT OF FACTS


As previously reported in the Request for Course of Action dated 3/20/2007 and filed on 3/23/2007, on 3/19/2007, federal offender Reynoldlyn Botelho appeared before the Honorable Helen Gillmor on an Order to Show Cause Why Supervised Release Should Not Be Revoked. During the revocation proceeding, Botelho admitted to violations which included association with the subject, a known felon under federal supervision, between August 2006 and February 2007. The Court subsequently revoked Botelho's supervised release and sentenced her to 12 months imprisonment to be followed by 48 months supervised release. Botelho is currently incarcerated at the Federal Detention Center Honolulu (FDC).

On 4/10/2007, Botelho's attorney, Donald Wilkerson, contacted this officer and reported that Botelho recently received a card and photographs from the subject. Wilkerson indicated that Botelho was very upset about being contacted by Rabanal while she was incarcerated.

On 4/11/2007, Wilkerson provided this officer with the card. Included in the card were three photographs of the subject and Botelho together. On the back of the photos, the subject wrote messages expressing his love for the subject.

According to FDC staff, Botelho is not allowed to receive mail from the subject because he is a convicted felon. FDC staff reported that the subject was able to bypass FDC censorship by fraudulently listing his cousin, Melissa Rabanal, as the sender of the card.

Respectfully submitted by,



MARK T. NUGENT
U.S. Probation Officer

Approved by:



PETER D. YOSHIHARA
Supervising U.S. Probation Officer

MTN/dck

Re: **RABANAL, Kalani Oshay**
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**NOTICE OF ADDITIONAL CONDITION(S) OF SUPERVISION THAT MAY WARRANT
CONSIDERATION**

None.